

REMARKS

This Response is submitted in reply to the Office Action dated March 19, 2008, and in conjunction with the accompanying Request for Continued Examination. Claims 1-5, 7-38, 40, 41, 43, 48, 50 and 54 are amended. Applicant has also amended the specification. No new matter has been added by these amendments.

A Petition for a One-Month Extension of Time for filing this Response is submitted herewith. Please charge to deposit account No. 02-1818 to cover the Request for Continued Examination fee, the Petition fee, and any other fees due in connection with this Response.

Objections

Applicant has amended the specification to remove any reference to Figure 15. The subject application does not include Figure 15 and the reference to Figure 15 appears to have been a typographical error.

Claim Rejections - §112, second paragraph

The Office Action rejected claims 1, 25 and 37 under 35 U.S.C. §112, second paragraph. Applicant has amended independent claims 1, 25 and 37 to clarify that at least one selection of each of a plurality of the different selection groups is associated with one of the advances. Applicant respectfully submits that amended independent claims 1, 25 and 37 comply with Section 112, second paragraph.

Claim Rejections - §102(b)

The Office Action rejected claims 1-5, 7-17, 19-29, 31-43, 47-50, 54 and 55 under 35 U.S.C. §102(b) as being anticipated by Hughs-Baird (U.S. Patent No. 6,439,995). Applicant respectfully disagrees with and traverses this rejection for at least the following reasons.

Amended independent claim 1 is directed to a gaming device which comprises, among other elements: at least one processor configured to operate with at least one display device and at least one input device to: (i) display a plurality of selection groups;

(ii) display a plurality of selections in each of the selection groups, wherein a first one of the selections in a first one of the selection groups is linked to a first one of the selections in a second one of the selection groups; (iii) associate a plurality of advances with the selections, wherein at least one selection of each of a plurality of the different selection groups is associated with one of the advances; (iv) associate at least one award with at least one of the selections of at least one of the selection groups; (v) provide a player a number of picks of the selections from the selection groups; (vi) indicate the at least one award if either: (a) the player picks the selection associated with the at least one award, or (b) one of the advances causes the pick of the selection associated with the at least one award; and (vii) if the player picks one of the selections associated with one of the advances from the first selection group, and the picked selection is linked to the first selection in the second selection group: (a) automatically cause the pick of the first selection from the second selection group, and (b) provide an advance award if another one of the advances is associated with the first selection from the second selection group.

Hughs-Baird does not anticipate such elements. Hughs-Baird discloses "four rows of selection groups 56, 58, 60 and 62" and that "the player begins in the bottom selection group 56 and advances upwardly until ending with the last selection group 62."

The Office Action stated that in:

Hughs-Baird, col. 7, 2-5, it is discussed that when an "advance indicator" is picked by a player the player must pick from another selection group, indicating that the mandate for the player to pick from a different selection group occurs automatically. In Fig. 3, (66), of Hughs-Baird, shows that once a player is commanded to pick from another selection group that another "advance indicator" can be picked.

Automatically advancing the player from a first selection group to a second selection group differs from (1) picking a selection from the first group, and (2) automatically causing a pick of a selection from the second selection group which is linked to the selection picked from the first group. Although the transfer or advancement from the first selection group to the selection group may be automatic, as suggested by the

Office Action, which selection is picked from the second selection group is not automatically caused by the selection picked from the first selection group.

For at least the reasons set forth above, Hughs-Baird does not anticipate at least one processor programmed to (a) associate a plurality of advances with the selections, and (b) if the player picks one of the selections associated with one of the advances from the first selection group, and the picked selection is linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, as in amended independent claim 1.

Additionally, the gaming device of Hughs-Baird provides the player with at least one selection group in which the player selects award indicators until selecting an indicator that advances the player to the next selection group (see the Abstract). Hughs-Baird discloses that the player wants to prolong the selection process to accumulate as many credits as possible before advancement (see col. 8, lines 55-58). Player excitement and enjoyment is enhanced because the gaming device of Hughs-Baird provides the player with multiple opportunities to achieve game credits and because the player is guaranteed to have at least one opportunity to select from the final or last selection group (see the Abstract).

In Hughs-Baird, the player chooses which of the selections to pick from an initial selection group. When the player picks the "advance indicator" from the initial selection group, the player advances to a subsequent selection group. The player chooses which of the selections to pick from the subsequent selection group. In contrast to amended independent claim 1, the advance indicator does not automatically cause the pick of the selection from the subsequent selection group which is linked to the advance indicator picked from the first or initial selection group.

Moreover, Applicant's specification discloses that the selections of adjacent selection groups are linked or related (see paragraph [0068]). As described with respect to at least Figs. 3 to 5, 6 to 8 and 11 of Applicant's specification, the selection picked from a second selection group is linked or related to the selection picked from a first selection group and the player is provided an advance award if both selections picked from the first and second selection groups are associated with advances. In

contrast, it appears from Hughs-Baird that the player can pick any selection from each selection group regardless of which selections the player picked in previous selection groups. Accordingly, Hughs-Baird does not anticipate a processor programmed, if the player picks one of the selections associated with one of the advances from the first selection group, and said picked selection is linked to the first selection in the second selection group, to provide an advance award if another one of the advances is associated with said first selection from the second selection group, as in amended independent claim 1.

For at least the reasons set forth above, Hughs-Baird does not anticipate the gaming device of amended independent claim 1. Applicant respectfully submits that independent claim 1 and its dependent claims 2-5 and 7-12 are patentable over Hughs-Baird and in condition for allowance.

Amended independent claim 13 is directed to a gaming device which comprises, among other elements: at least one processor programmed to operate with at least one display device and at least one input device to: (i) display a plurality of selections in each of the selection groups, wherein at least one first selection associated with a first one of the selection groups is linked to a first one of the selections from a second one of the selection groups; (ii) provide a player a number of picks from the selection groups; and (iii) indicate an award to be provided to the player if: (a) the player picks one of the selections associated with one of the advances from the first selection group, (b) the selection picked from the first selection group is linked to the first one of the selections from the second selection group, (c) the advance automatically causes the pick of the first selection from the second selection group which is linked to the selection picked from the first selection group, (d) another one of the advances is associated with the picked selection caused to be picked from the second selection group by the advance, and (e) at least one pick of the provided number of picks is remaining.

Amended independent claim 25 is directed to a gaming device which comprises, among other elements: at least one processor programmed to operate with at least one display device and at least one input device to: (i) display a plurality of selections in each of the selection groups, wherein at least one first selection in a first one of the

selection groups is linked to a first one of the selections in a second one of the selection groups; (ii) provide a player a number of picks from the selection groups; and (iii) indicate an award to be provided to the player if for each of two picks by the player: (a) the player picks one of the selections associated with one of the advances from the first selection group, (b) the picked selection from the first selection group is linked to the first one of the selections from the second selection group, (c) the advance automatically causes the pick of the selection from the second selection group which is linked to the selection picked from the first selection group, and (d) the selection caused to be picked by the advance is associated with another one of the advances.

Hughs-Baird does not anticipate such elements. As described above, the advance indicator of Hughs-Baird advances the player to the next selection group where the player can pick any selection regardless of which selection(s) the player picked in the previous selection group(s). The advance indicator of Hughs-Baird does not anticipate automatically causing the pick of the selection from one selection group which is linked to the selection picked from another selection group. Additionally, Hughs-Baird does not anticipate another advance indicator being associated with the selection caused to be picked by the advance indicator.

For at least the reasons set forth above, Hughs-Baird does not anticipate the gaming device of amended independent claim 13 or 25. Applicant respectfully submits that independent claim 13 and 25 along with their dependent claims 14-17, 19-24 and 26-36 are patentable over Hughs-Baird and in condition for allowance.

Amended independent claim 38 is directed to a gaming device which comprises, among other elements: at least one processor programmed to operate with at least one display device and at least one input device to: (i) display a plurality of first selections; (ii) associate a first advance with one of the first selections; (iii) display a plurality of second selections, wherein at least one of the first selections is individually associated with one of the second selections; and (iv) indicate an advance award adapted to be provided to a player if: (a) the first selection picked generates the first advance, (b) the first selection picked is individually associated with one of the second selections, (c) the first advance automatically causes the second selection individually associated with the

picked first selection to be picked, and (d) the picked second selection generates a second advance.

Hughs-Baird does not anticipate such elements. As described above, the advance indicator of Hughs-Baird advances the player to the next selection group where the player can pick any selection regardless of which selection(s) the player picked in the previous selection group(s). The advance indicator of Hughs-Baird does not anticipate automatically causing the pick of a second selection from a second selection group which is individually associated with a first selection picked from a first selection group. Additionally, Hughs-Baird does not anticipate that the first selection picked generates a first advance and the second selection picked, which is individually associated with the picked first selection, generates a second advance.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 38 and its dependent claims 39 and 40 are patentable over the proposed combination and in condition for allowance.

Amended independent claim 37 is directed to a gaming device which comprises, among other elements: at least one processor programmed to operate with at least one display device and at least one input device to: (i) indicate a number of picks from the selection groups for a player, the number of picks being usable to pick from the plurality of the different selection groups; and (ii) indicate an advance award to be provided to the player if: (a) the player picks one of the selections associated with one of the advances, the pick counting against the indicated number of picks, (b) the advance automatically causes the pick of one of the selections associated with a subsequent one of the selection groups, (c) a second one of the advances is associated with the selection caused to be picked by the advance, and (d) the second advance automatically causes the pick of one of the selections associated with another subsequent one of the selection groups or the advance award, the pick of the selection caused to be picked by the second advance from the another subsequent selection group not counting against the indicated number of picks.

Hughs-Baird does not anticipate such elements. Hughs-Baird discloses a pick indicator 70, which is illustrated in Fig. 3, to represent the number of picks that the

player will have from the final selection group 62 (see col. 7, lines 26-33). In one embodiment, Hughs-Baird discloses that the final selection group picks are accumulated until the player finally reaches the final selection group and that the game could provide a separate "picks meter" to display the player's total number of final selection group picks as the player accumulates them (see col. 12, lines 60-67).

The Office Action stated that Hughs-Baird discloses a gaming device comprising:

a number of picks (Fig. 3, 70, "pick indicator," which indicates a number of picks) from the selection groups adapted to be provided to a player.

* * *

an advance award (Fig. 3, 64) adapted to be provided to the player if: (a) the player picks one of the selections with an associated advance (Fig. 3, 66); (b) said advance automatically causes the pick of one of the selections associated with a subsequent one of the selection groups (col. 7, 2-5, where once an "advance indicator" is selected a player must pick from the next selection group), and (c) another second one of the advances is associated with said selection caused to be picked by the advance (Fig. 3, 66 in group 58, where a 2nd "advance indicator" is selected), and (claim 13) at least one pick is remaining (col. 7, 30-32, where picks may be counted as used only during "final selection group").

* * *

However, examiner would like to point to passage of col. 13, line 7, that states there is "a predetermined number of picks", which does determine the number of picks to be used by the player and in relation with Fig. 3, 64, advance awards are provided.

The Office Action stated that the picks may be counted as used only during final selection group. According to the Office Action, the picks described in Hughs-Baird represent the number of picks that the player will have from the final selection group. However, such picks are not used in, or needed for, the selection groups prior to the final selection group because the gaming device of Hughs-Baird provides the player with multiple opportunities to achieve game credits and guarantees the player to have at least one opportunity to select from the final or last selection group. While the player

may pick selections from the non-final selection groups in Hughs-Baird, the number of such picks is unknown before the player selects from the selection group (see col. 8, lines 58-65). For at least the reasons set forth above, Hughs-Baird does not anticipate at least one processor programmed to indicate a number of picks from the selection groups for a player, wherein the indicated number of picks is usable to pick from the plurality of the different selection groups, as in amended independent claim 37.

The Office Action references col. 13, lines 5-7 of Hughs-Baird which disclose “[f]or example, the game could enable the player to try again when the round ends after a predetermined number of picks.” Hughs-Baird also discloses that the bonus round does not end upon an end-bonus indicator; rather, the bonus round ends when the player chooses a predetermined number of selections from the last or final selection group (see col. 2, lines 33-36). The number of picks from the final selection group is known before selecting from it (see col. 8, lines 62-65). Each pick from the final selection group counts against the predetermined number of selections and the bonus round ends when the player uses the predetermined number of picks in the last or final selection group.

For at least the reasons set forth above, the try again feature of Hughs-Baird does not constitute an “advance award,” as in amended independent claim 37. Hughs-Baird does not anticipate a processor programmed to indicate an advance award to be provided to the player if: (a) the player picks one of the selections associated with one of the advances, wherein the pick counts against the indicated number of picks, and (b) the second advance automatically causes the pick of one of the selections associated with another subsequent one of the selection groups or the advance award, wherein the pick of the selection caused to be picked by the second advance from the another subsequent selection group does not count against the indicated number of picks, as in amended independent claim 37.

Amended independent claim 41 is directed to a gaming device which comprises, among other elements: (a) providing a number of picks to a player, the provided number of picks being usable to pick from a plurality of selection groups, each of the selection groups including a plurality of selections; (b) enabling the player to pick at least one

selection from a first one of the selection groups until the picked selection is associated with a first advancement, the first advancement advancing the player through the first selection group; (c) if the picked selection associated with the first advancement does not generate a second advancement in a second one of the selection groups, enabling the player to pick at least one selection from the second selection group until the picked selection from the second selection group is associated with the second advancement, the second advancement advancing the player through the second selection group; (d) tracking a quantity of picks used by the player to advance through the first and second selection groups; and (e) providing an advance award to the player for advancing through each of the first and second selection groups if the tracked quantity of picks is less than or equal to the provided number of picks.

Hughs-Baird does not anticipate such elements. For at least the reasons set forth above with respect to amended independent claim 37, amended independent claim 41 is patentable over Hughs-Baird and in condition for allowance. Additionally, as mentioned above, Hughs-Baird guarantees the player to pick from the final or last selection group. Hughs-Baird does not anticipate tracking a quantity of picks used by the player to advance through the first and second selection groups and providing an advance award to the player for advancing through each of the first and second selection groups if the tracked quantity of picks is less than or equal to the provided number of picks, as in amended independent claim 41.

Amended independent claim 50 is directed to a gaming device which comprises, among other elements: (a) providing a number of picks to a player, the provided number of picks being usable to pick from a plurality of selection groups, each of the selection groups including a plurality of selections; (b) enabling the player to pick from a first one of the selection groups until the player picks a first advancement; (c) if the first advancement is not linked with a second advancement in a second one of the selection groups, enabling the player to pick from the second selection group until the player picks the second advancement; (d) if the first advancement is linked with the second advancement in the second selection group, automatically causing the second advancement to be picked without counting against the number of picks; (e) providing

an advance award to the player for advancing through the first and second selection groups within a designated number of the picks.

Hughs-Baird does not anticipate such elements. For at least the reasons set forth above with respect to amended independent claims 1 and 37, amended independent claim 50 is patentable over Hughs-Baird and in condition for allowance.

For at least the reasons given above, Hughs-Baird does not anticipate amended independent claims 1, 13, 25, 37, 38, 41 and 50 and their respective dependent claims 2-5, 7-12, 14-17, 19-24, 26-29, 31-36, 39, 40, 42, 43, 47-50, 54 and 55. Accordingly, claims 1-5, 7-17, 19-29, 31-43, 47-50, 54 and 55 are patentable over Hughs-Baird and in condition for allowance.

Claim Rejections - §103(a)

The Office Action rejected claims 6, 18, 30, 44-46 and 51-53 under 35 U.S.C. §103(a) as being unpatentable over Hughs-Baird in view of Kamille (U.S. Patent No. 5,855,514). Applicant respectfully disagrees with and traverses this rejection.

Kamille discloses a probability game which allows for interactive play. Figs. 6B and 7C of Kamille disclose directionals which direct a player to play the game pieces in a specific way. Such directionals direct a player's choice as to which play areas to uncover on a playing surface (col. 9, lines 55-57). The directionals direct the player as to which play area to subsequently pick if the player chooses to continue playing the game piece.

Dependent claim 44 recites: "upon the picking of first advancement, automatically revealing one of the selections in the second group." As described above, the directionals direct the player as to which play area to pick if the player chooses to continue to play the game piece. The directionals of Kamille do not automatically cause the pick of another play area on the game piece. Moreover, Kamille does not automatically reveal another one of the player areas of the game piece if a directional is picked by the player. In Kamille, the player can stop playing the game piece at any time, which teaches away from the Office Action's suggestion to automatically reveal

the play areas directed by the directionals. For at least the reasons set forth above, Kamille does not disclose automatically revealing one of the play areas.

Modifying Hughs-Baird in view of the teachings of Kamille, as proposed by the Office Action, would destroy the intended purpose and functionality of Hughs-Baird.

The Office Action stated that it:

would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the selection gaming method of Hughs-Baird with the automatic revealing selection of Kamille in order to force a player to progress through game more rapidly, thus, creating more excitement with the extra speed and surprise element.

Hughs-Baird specifically discloses that the player wants to prolong the selection process to accumulate as many credits as possible before advancement (see col. 8, lines 55-58). Increasing the speed at which the player progresses through the game by modifying the gaming device of Hughs-Baird to automatically reveal certain selections would teach away from Hughs-Baird. Such modifications to Hughs-Baird would also destroy the functionality and intended purpose of Hughs-Baird.

For at least the reasons set forth above, the proposed combination of Hughs-Baird and Kamille does not render obvious independent claims 1, 13, 25, 41 or 50. Applicant respectfully submits that independent claims 1, 13, 25, 41 and 50 and dependent claims 6, 18, 30, 44-46 and 51-53 are patentable over the proposed combination and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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